

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X
NATIONAL CASUALTY COMPANY,

C. A. No. 04-10167-MLW

Plaintiff,

v.

FIRST STATE INSURANCE GROUP,

Defendant.

-----X

**MOTION OF FIRST STATE INSURANCE GROUP
FOR AN ORDER OF IMPOUNDMENT AND SEALING OF
CONFIDENTIAL MATERIAL PURSUANT TO LOCAL RULE 7.2**

Defendant First State Insurance Group ("First State") moves this Court for an Order of Impoundment and Sealing of Confidential Material pursuant to Rule 7.2 of the Local Rules of the United States District Court for the District of Massachusetts (the "Local Rules"), and this Court's August 30, 2004 Order recognizing that "there may be a limited amount of information in the submissions that can properly be protected as confidential, at least temporarily, prior to the court's decisions on the pending and forthcoming motions."

First State requests that this Court order the impoundment and sealing of its Memorandum of Law in Opposition to Plaintiff National Casualty Company's Supplemental Submission, and the January 27, 2005 Declaration of Lloyd A. Gura and exhibits thereto.

As grounds for this motion, First State avers that the papers sought to be impounded and sealed contain confidential arbitration information, including excerpts of the transcript of the arbitration hearing between the parties. These excerpts include discussions of the substance of First State's privileged documents.

First State Insurance Group
By its attorneys,

/s/Thomas M. Elcock

Mitchell S. King, Esq. (BBO#2728107)
Thomas M. Elcock, Esq. (BBO #548027)
Prince, Lobel, Glovsky & Tye LLP
585 Commercial Street
Boston, Massachusetts 02109
(617) 456-8000

-and-

Mound, Cotton, Wollan & Greengrass
One Battery Park Plaza
New York, NY 10004
(212) 804-4200

Dated: January 28, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

The undersigned certifies that counsel for the parties have conferred in a good faith attempt to resolve or narrow the issue raised by this motion, but were unable to reach an agreement.

/s/Thomas M. Elcock

Thomas M. Elcock

CERTIFICATE OF SERVICE

I, Thomas M. Elcock, hereby certify that on January 25, 2005, I served the within document electronically to Natasha Lisman, Sugarman, Rogers, Barshak & Cohenn, P.C., 101 Merrimac Street, 9th Floor, Boston, MA 02114.

/s/Thomas M. Elcock

Thomas M. Elcock